

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 2345

IN THE MATTER OF:

Served June 14, 1982

Application of SHAW ENTERPRISES,)
INC., T/A UNITED INN OF AMERICA,)
for Amendment to Special Authori-)
zation No. SP-41-01 -- Contract)
with National Institutes of Health)

Case No. CP-82-03

By application filed June 1, 1982, as amended June 8, 1982, Shaw Enterprises, Inc., trading as United Inn of America (Shaw), seeks authority to amend its Special Authorization No. SP-41-01 issued pursuant to WMATC Special Certificate of Public Convenience and Necessity No. 1 by adding a new point of service to the existing contract entered into between Shaw and the National Institutes of Health, Department of Health and Human Services (NIH). No. SP-41-01 contains the following authority:

CHARTER OPERATIONS PURSUANT TO CONTRACT to transport persons who are participants in the Special Ambulatory Care Program of the National Institutes of Health:

(1) Between United Inn of America, 8130 Wisconsin Avenue, Bethesda, Maryland, and the Clinical Center, National Institutes of Health, Bethesda, Maryland.

(2) From United Inn of America, 8130 Wisconsin Avenue, Bethesda, Maryland, to shopping areas at Montgomery Mall, White Flint Mall, Bethesda, Chevy Chase, Silver Spring and Wheaton, Maryland, and the Friendship Heights area of the District of Columbia, and return.

(3) From United Inn of America, 8130 Wisconsin Avenue, Bethesda, Maryland, to the Monument and Georgetown areas of Washington, D. C., Mt. Vernon, Olde Towne Alexandria, and Arlington Cemetery, Virginia, Cabin John Regional Park and Wheaton Regional Park, Maryland, and Rock Creek Park in the District of Columbia and Montgomery County, Maryland, and return.

RESTRICTIONS: The authority granted in (2) above may be operated on Saturdays and Sundays only. The authority granted in (3) above may be operated only six times in any one calendar year.

This authorization is valid until October 31, 1982.

By the instant application Shaw seeks to add the National Naval Medical Center Hospital, Bethesda, Md., as an additional stop under part (1) of the authorization described above.

The proposed additional stop would be added to the existing 12 shuttle trips per day between the United Inn of America and NIH. Applicant states that it is familiar with the service involved, will have no problem coordinating the additional stop which is in close proximity to NIH and has not been found unfit by any regulatory agency. The contract with NIH generates approximately \$3,660 in net income from revenues of \$38,190.

In support of the application the NIH contracting officer submitted an affidavit stating that the clinical center at the National Naval Medical Center Hospital has been added as a stop-off point because the Special Ambulatory Care Program that is the subject of the NIH contract has been transferred in part to the medical center. The size of the group to be transported varies but an average trip includes eight patients. NIH is satisfied with applicant's qualifications and ability to perform the involved service. A certificate of insurance consistent with Commission Regulation No. 62 is on file.

The amendment to the contract is for a period of less than 181 days inasmuch as the underlying contract expires October 31, 1982. Whereas "[a]ll contracts and extensions and renewals of contracts filed pursuant to this regulation shall be for fixed terms of not less than 181 days," Regulation No. 70-05 specifies that

Any proposed change, modification or amendment to such contract, renewal or extension shall be filed with the Commission for approval at least five days prior to the proposed effective date of such change or amendment provided, however, that any change, modification or amendment which would involve a new contractor, a new group of passengers or new points of service shall be subject to the application provisions of subsection 70-04 of this regulation.

Shaw's application seeking to amend the contract by adding a new point of service within the meaning of subsection 70-05 of the regulation meets the provisions of subsection 70-04. There is no requirement that ". . . any change, modification or amendment which would involve a new

contractor, a new group of passengers or new points of service. . ." be for a fixed term of not less than 181 days. Pursuant to Commission Regulation No. 70-06, notice of this application will be published and opportunity given for the filing of protests. Any interested person may file comments, in writing, as described below. Protests, if any, must be written, sworn and notarized, and must contain all evidence and argument upon which the protestant would rely.

THEREFORE, IT IS ORDERED:


1. That Shaw Enterprises, Inc., publish once, in a newspaper of general circulation in the Metropolitan District, notice of this application in the form prescribed by the staff of the Commission no later than Monday, June 21, 1982.

2. That applicant shall file an affidavit of such publication with the Commission no later than Monday, June 28, 1982.

3. That any person desiring to protest this application shall file a notarized protest in conformance with Commission Regulation No. 70-06 at the office of the Commission, Suite 316, 1625 I Street, N. W., Washington, D. C. 20006, no later than Thursday, July 1, 1982, and shall simultaneously serve a copy of such protest on counsel for applicant, Sherman L. Cohn, Esquire, 8815 Tallyho Trail, Potomac, Md. 20854.

4. That any person desiring to comment on this application shall file comments, which should be specific and, where pertinent, supported by verified statements, with the Executive Director, WMATC, Suite 316, 1625 I Street, N. W., Washington, D. C. 20006, no later than Thursday, July 1, 1982.

FOR THE COMMISSION:


WILLIAM H. MCGILVERY
Executive Director

